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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,505	12/03/2003	Robert Stoner	COS97083C1	3775
25537	7590	01/03/2008		
VERIZON PATENT MANAGEMENT GROUP 1515 N. COURTHOUSE ROAD SUITE 500 ARLINGTON, VA 22201-2909			EXAMINER TRAN, MYLINH T	
			ART UNIT 2179	PAPER NUMBER
			NOTIFICATION DATE 01/03/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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AK

<b>Office Action Summary</b>	<b>Application No.</b> 10/725,505	<b>Applicant(s)</b> STONER ET AL.	
	<b>Examiner</b> Mylinh Tran	<b>Art Unit</b> 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Applicant's request for reconsideration filed 04/11/07 has been entered and carefully considered. Arguments regarding rejection under 35.U.S.C 103 to claims (1-38) have been found to be persuasive. However, these claims have not been found to be patentable over prior art of record. Claims 1-38 are rejected under the new ground of rejection as set forth below.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Dev et al. [US.5,504,921].

**As to claims 1 and 21**, Dev et al. shows a communications network having first means for receiving communication of original messages generated from one or more network element subsystems (column 3, lines 38-55 and column 13, lines 1-15), the network element subsystems including console connections and application connections (column 5, lines 1-10, console connections and application connection would be one of the parts in the network);

means for mapping text of a received original message to one or more of a plurality of alarm attributes (column 4, lines 54-65 and column 12, lines 32-50) and means for determining the presence of an alarm condition from said one or more attributes (column 8, lines 27-55) and generating one or more responses according to said type of alarm condition (column 8, lines 41-55); means for enabling a remotely located user access to said one or more network elements via a display interface at a remote terminal (column 3, lines 28-55) and a said response including automatically presenting said remotely located user of an alarm condition at a network element via said display interface, said remotely located user being enabled to access said network element from said remote terminal for further responsive action thereof (column 14, lines 41-60).

**As to claims 2 and 20**, Dev et al. discloses said first server means includes a terminal server means physically connected to a console port I/O of each said network element, said remotely located user having access to said console port via said user interface (column 4, line 65 through column 5, line 1-17).

**As to claims 3 and 23**, Dev et al. shows the first server means includes means for receiving communication of original textual messages from a network application running on said network element, said first server means including a mailbox facility means for receiving said alarm messages (column 3, lines 35-60).

**As to claim 4**, Dev et al. teaches the network application running on said network element is a Log Management Facility application (column 3, lines 1-60).

**As to claims 5 and 24**, Dev et al. discloses means for presenting an indication of said alarm condition to said remotely located user via a network connection (column 2, lines 50-64).

**As to claims 6 and 25**, Dev et al. shows "graphical icon being color-coded to indicate alarm condition severity" (column 12, lines 16-67).

**As to claim 7**, Dev et al. demonstrates the terminal server means including a telnet terminal server (column 5, lines 1-10).

**As to claim 8**, Dev et al. teaches means for enabling a remotely located user access to said one or more network elements includes a network connection (column 2, lines 35-67).

**As to claims 9 and 27**, Dev et al. shows network socket connection is pursuant to a TCP/IP protocol (column 3, lines 28-62).

**As to claims 10 and 8**, Dev et al. discloses means for mapping text of a received original message to one or more of a plurality of alarm attributes includes utilizing regular expression matching (column 9, lines 40-65).

**As to claims 11 and 29**, Dev et al. teaches the message attributes include one or more selected from the group comprising: originating network element, time, alarm severity level, alarm mnemonic, alarm description, process name, and network element name (column 8, lines 1-13).

**As to claims 12 and 30**, Dev et al. discloses means for determining presence of an alarm condition from said one or more attributes includes means for applying configuration rules to said alarm attributes, said configuration rules stored as text in a first storage means at or near said first means and accessible therefrom (column 9, lines 40-65 and column 12, lines 15-51).

**As to claims 13 and 31**, Dev et al. teaches text editor means for enabling a user to modify existing configuration rules stored in said storage means via said user display interface, said text editor means further enabling said user to generate new configuration rules for storage in said storage means, said new configuration rules creating a new alarm condition (column 9, lines 5-67).

**As to claims 14,15,32 and 33**, Dev et al. shows configuration rules further provides a sifting operation for sifting through said attributes to match said alarm condition with a pre-determined alarm condition and the sifting means operation enables an alarm message to be terminated if a match with a pre-determined alarm condition is found (column 14, lines 41-60).

**As to claims 16,17,34 and 35**, Dev et al. teaches configuration rules further provide a logging operation for automatically logging alarm conditions in a second storage means at or near said first means and accessible therefrom and means for generating reports including past alarm conditions stored in said second storage means (column 9, lines 43-67).

**As to claims 18 and 19**, Dev et al. discloses a response action includes initiating transmission of an e-mail message and a response action includes

initiating transmission of a paging message and command procedure (column 11, lines 40-55).

**As to claim 22**, Dev et al. shows providing a physical connection between each said network element and a terminal server device enabling remote access to said one or more network elements via said user display interface (column 3, line 35-through column 4, line 15).

**As to claim 26**, Dev et al. show providing a network socket connection to enable said remotely located user access to said one or more network elements (column 3, lines 62).

**As to claim 28**, Dev et al show the step of mapping text including utilizing regular expression matching (column 8, lines 30-55).

**As to claim 36**, Dev et al. teaches a transaction server and a communications server; the transaction server and communications server and to transmit the same over a network link (column 5, lines 1-17); a telecommunications network alarm monitoring server linked to the terminal server of the service control point over the network link; a network alarm monitoring process to map the event messages to an alarm data structure and a network link to the telecommunications network alarm monitoring server to enable transmission of messages by the network alarm monitoring server in response to recognized alarm condition (column 3, lines 38-55 and column 13, lines 1-15)

**As to claim 37**, Dev et al. teaches access is enabled to the terminal server is over an Internet Protocol network (column 4, lines 1-15).

**As to claim 38**, the claim is analyzed as previously discussed with respect to claims 36 and 37.

### **Response to Arguments**

Applicant has argued that Dev does not teach or suggest the feature of "network element subsystems including console connections and application connections."

However, as defined in the specification, a Alarm Monitoring Systems server receives a continuous stream of messages generated by two sources: 1) console connection and 2) application connections. Application connection is using either TCP/IP or DECNet.TM. TCP/IP is defined in the Microsoft Press Computer Dictionary as "Transport Control Protocol/Interface Program". Data delivered via console connections using telnet protocols. According to Collegiate Dictionary, a telnet is defined as "a telecommunications protocol providing specifications for emulating a remote computer terminal so that one can access a distant computer and function online using an interface that appears to be part of the user's local system".

Based on the above definitions of Telnet and TCP/IP, console connection and application connection are taught in the Dev's system. Applicant's attention is directed to column 4, lines 32-50 cited "...the network portions in buildings 42 and 48 are interconnected by a bridge 50. A building 52 remotely located from buildings 42 and 48 contains network devices 53, 54, 55 and 56 interconnected

by a data bus 57. The network devices in building 52 are interconnected to the network in building 48 by interface devices 59 and 60 which may communicate by a packet switching system, a microwave link or a satellite link...".

Applicant also argued that Dev et al. do not teach or suggest "means for mapping text of received original message to one or more of a plurality of alarm attributes." However, Dev teaches sending status information to a network management system and presenting "operational status, faults and other information pertaining to the network" (column 4, lines 54-65 and column 12, lines 32-50). It is noted that the claimed language itself "mapping" is not specific and clear enough to describe the *invention specification*. *The term of "mapping text of a received original message to one alarm attribute" is a broad term.*

During patent examination, the pending claims must be "given >their< broadest reasonable interpretation consistent with the specification." > In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

Applicant also argues Dev et al. do not teach or suggest transaction server and communications server. However, applicant's attention is directed to the lines "the device communication manager 14 is connected to a network 18 and handles communication...The data received from the network devices is provided by the device communication manager ...". It was obvious that the transaction server and communication server are taught in the Dev's system. Dev teaches a telecommunications network alarm monitoring server linked to the terminal server of the service control point over the network link; a network alarm monitoring process to map the event messages to an alarm data structure and a network link to the telecommunications network alarm monitoring server to enable transmission of messages by the network alarm monitoring server in response to recognized alarm condition (column 3, lines 38-55 and column 13, lines 1-15).

### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on

the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4141.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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SUPERVISORY PATENT EXAMINER